

AMENDMENTS TO CLAIMS

Cancel claims 8-20.


### ARGUMENTS IN TRAVERSAL OF CLAIM REJECTIONS

Applicant respectfully traverses the Examiner's rejection of claims 1-7 based on 35 U.S.C. 112 by pointing out that Funk & Wagnalls Standard Dictionary of the English Language, International Edition (Combined with Britannica World Language Dictionary) Encyclopedia Britannica, Inc., Chicago; Funk & Wagnalls Company, New York (1962) defines passive as: "1 acted upon or receiving impressions from external agents or causes; being the object rather than the subject of action; moved by or as by an external force or influence. 2 In a state of rest or quiescence; not vitally or mentally active; unresponsive ... "

Applicant is his own lexicographer, but points out that at several points in the original application an invention is disclosed with limitations satisfying both these alternative definitions of the word "passive" supplied by the Funk and Wagnalls Dictionary. For example: at page 2, lines 23-24 of the original application the invention is characterized as a light sensitive messaging machine. In other words this is a messaging machine which is acted upon or receives impressions from light. At page 3, lines 18-20 the invention is described as "equipped to provide its messages at non-specific times determined by when the lights are turned lower or higher in a room." In other words it is acted upon and receives impressions from the external agent of light. It is moved to make its messages by the external force or influence of light. At page 3, lines 23-27 "The device can provide a warning if the alarm has not been set at night, but if it senses the alarm has been set, it would not provide the warning. In this case it will either do nothing in response to that stimulus or it may simply give another message ..." In other words it is again described as moved by an external force or influence, the state of the light in the room (night), but it is also described as meeting definition 2 of the word passive in that it may optionally do nothing based on the condition of the light in the room (it may remain in a state of rest or quiescence; not vitally or mentally active; unresponsive). The limitation "Means passively to detect light" is set forth several

times in the original application, as the preferred embodiment in fact, and this phrase actually cuts more clearly to the point of applicant's invention as disclosed in that original application. The "means passively to detect light" is not new matter. The Examiner is respectfully requested to reconsider and to withdraw the rejection of claims 1-7 based on 35 U.S.C. 112. Means actively to detect light, e.g. sending infrared signals outward and noting their reflections, is what is not set forth in the original application. Means passively to detect light, on the other hand, is exactly what is set forth in the original application.

At page 3, paragraph 4 of the 03/17/04 Office Action the Examiner states that "Regarding claims 1-7, it is unclear in its given context what Applicant intends to claim with the terms "means passively to sense light." and therefore these claims are indefinite. Applicant means exactly what commonly available and standard dictionaries say those words mean. At once, the original disclosure described an invention which can detect light and remain in a state of quiescence, and also an invention which is acted upon or receives impressions from an external agent or cause. Claims 1-7 are not unclear and they are not indefinite. Consultation with a dictionary shows that those claims are very clear and absolutely definite. Applicant has selected a word which describes what he disclosed in his original application without describing matter he did not disclose in his original application, and does so according to the most standard accepted English meanings of Applicant's word. The Examiner is respectfully requested to reconsider the rejection of claims 1-7 under 35 U.S.C. section 112 and withdraw the same.

Respectfully Submitted,  


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Claims.

I claim:

1. (previously amended) A signaling apparatus comprising a means passively to sense light, a controller, and a signaling means; said controller being responsive to variations in light intensity as communicated to it by said means passively to sense light; said controller having a memory capable of storing data; said controller using data from said memory to actuate said signaling means in response to specified conditions of light intensity.
2. (previously amended) The signaling apparatus of claim 1 in which the signaling means has an amplitude and the signaling apparatus has a means to control the amplitude of the signaling means.
3. (original) The signaling apparatus of claim 1 having a means for quantifying luminosity, said controller using data from said memory to actuate said signaling means only in response to sensation of specified quantities of lumens.
4. (original) The signaling apparatus of claim 1 having a means for placing data into said memory.
5. (original) The signaling apparatus of claim 1 further comprising a transceiver capable of sending and receiving a signal through telecommunication lines.
6. (original) The signaling apparatus of claim 1 wherein said signaling means is a transceiver capable of sending and receiving a wireless signal.
7. (original) The signaling apparatus of claim 1 further comprising a timing means; said controller being responsive to

variations in time as communicated to it by said timing means;  
said controller using data from said memory to actuate said  
signaling means in response to specified conditions of time.

8-20. (canceled)